

Appl. No. 10/089,351
Atty. Docket No.8278
Amdt. Dated 07/29/2005
Reply to Office Action of 05/03/2005
Customer No. 27752

REMARKS

Claim Status

Claims 21-39 are pending in the present application. Claim 40 has been cancelled. Claims 21, 31, 32, 36 and 38 are currently amended.

Claim 21 has been amended to recite an opening for accessing the internal cavity. Support for the amendment to Claim 21 is found in Figure 2, and in the specification on page 8, lines 14-29.

Claim 31 has been amended to recite that the heating/cooling element includes an exothermic or endothermic systems that provides heating or cooling effect. Support for the amendment to Claim 31 can be found in the specification at page 33, lines 29-33.

Claim 32 has been amended to recite that the wherein the exothermic or endothermic systems include an anhydrous reactions, heats of solution, oxidation reactions, crystallization, corroding alloys, zeolite-liquid systems and/or heat of neutralization. Support for the amendment to Claim 32 can be found in the specification at page 33, lines 29-33.

Claims 36 has been amended to recite that the rupturable reservoir is ruptured by an application of force. Support for the amendment to Claim 36 can be found at page 10, lines 10-33 and page 11, lines 1-11.

Claim 38 has been amended to recite an aperature and correct a spelling error.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Specification

The Office action states that the specification is objected to as failing to provide proper antecedent basis for the claimed terminology "distribution head." Claim 40 has been cancelled, thus the rejection is moot.

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The Office Action states that aperture was misspelled in Claim 38. This informality has been corrected.

Rejection Under 35 USC §112, First Paragraph

The Office Action States Claims 21-40 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office Action states that the claims contain subject matter which was not described in the specification in such as way to enable one skilled in the art to which it pertains, or with which it most nearly connected, to make and/or use the invention.

As to Claim 21, the Office Action states that specification fails to describe how the heating/or cooling elements are activatable. Claim 21 has been amended to recite that the heating or/ cooling element changes the temperature of the product which is supported by the specification on page 41, lines 4-32 and page 42 lines 1-2.

As to Claim 32, the Office Action states that the specification fails to support or describe how such a exothermic or endothermic system is activated. Claims 31 has been amended to recite that the exothermic or endothermic system includes an anhydrous reactions, heats of solution, oxidation reactions, crystallization, corroding alloys, zeolite-liquid systems and/or heat of neutralization. Support for the amendment to Claim 32 can be found in the specification at page 33, lines 29-33.

As to Claim 36, the Office Action states that the specification fails to support or describe that the reservoir is ruptured by mechanical force or what constitutes mechanical force. Claims 36 has been amended to recite that the rupturable reservoir is ruptured by an application of force. Support for the amendment to Claim 36 can be found at page 10, lines 10-33 and page 11, lines 1-11.

As to claim 21, the Office Action states that the specification fails to provide enablement of "at least one externally accessible opening." Claim 21 has been amended to recite an opening for accesing the internal cavity. Support for the amendment to Claim 21 is found in Figure 2, and in the specification on page 8, lines 14-29.

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Rejection Under 35 USC §112, Second Paragraph

The Office Action States Claim 32 are rejected under 35 U.S.C. §112, first paragraph, for not having antecedent basis for the "heating or cooling elements." Claim 32 has been amended to recite heating or cooling element.

Allowable Subject Matter

Claims 21-39 have been rewritten to overcome the rejections under 35 U.S.C. §112, first and second paragraph. Therefore, Claims 21-39 should be in condition for allowance.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 21 to 39 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By Bridget Murray
Bridget Murray
Registration No. 52,555
(513) 626-0575

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